

1 BARRY J. PORTMAN
Federal Public Defender
2 REBECCA SULLIVAN SILBERT
Assistant Federal Public Defender
3 555 - 12th Street, Suite 650
Oakland, CA 94607-3627
4 Telephone: (510) 637-3500
Counsel for Defendant LAIRD
5
6

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,)	No. CR-02-0281 VRW
)	
11 Plaintiff,)	STIPULATION REGARDING
12 vs.)	SENTENCE REDUCTION UNDER
)	U.S.S.G. AMENDMENT 706 (AS
13 RAYMOND LAIRD,)	AMENDED BY 711)
)	
14 Defendant.)	
_____)	

15 **IT IS HEREBY STIPULATED AND AGREED**, by and between the parties acting
16 through their respective counsel, that:

- 17 1. The Court has indicated that it is making its own motion for a modification of the
18 defendant's sentence pursuant to 18 U.S.C. § 3582(c)(2).
19
20 2. Defendant's original guideline calculation was as follows:
Total Offense Level: 25
21 Criminal History Category: III
22 Guideline Range: 70-87
23 Mandatory Minimum: 60 months
24
25 3. Defendant was sentenced to 70 months imprisonment on December 16, 2003.
26
4. Defendant's current projected release date is March 31, 2008.

1 5. Defendant is eligible for a modification of his sentence pursuant to 18 U.S.C. §
2 3582(c), USSG § 1B1.10(c), and Amendment 706 of the United States Sentencing Commission
3 Guidelines Manual.

4 6. Defendant's revised guideline calculation is as follows:

5 Total Offense Level: 23

6 Criminal History Category: III

7 Guideline Range: 57-71

8 7. The parties have no reason to dispute the Reduction of Sentence Report submitted to the
9 Court by the probation office.

10 8. Based upon the foregoing, the parties hereby stipulate that a sentence of 60 months is
11 appropriate in this matter.

12 9. The parties further stipulate that all other aspects of the original judgment order including
13 the length of term of supervised release, all conditions of supervision, fines, restitution,
14 and special assessment remain as previously imposed.

15 10. Defendant stipulates that he waives and does not request a hearing in this matter pursuant
16 to Fed. R. Crim. P. 43, 18 U.S.C § 3582(c)(2); *United States v. Booker*, 543 U.S. 220
17 (2005) and *Kimbrough v. United States*, 128 S.Ct. 558 (2007); *United States v. Hicks*, 472
18 F.3d 1167 (9th Cir. 2007).

19 11. Defendant waives his right to appeal the district court's sentence.

20 12. Accordingly, the parties agree and stipulate that an amended judgement may be entered
21 by the Court in accordance with this stipulation pursuant to 18 U.S.C. § 3582(c) and

22 //

23 //

24 //

25 //

26 //

1 USSG § 1B1.10(c), Amendment 706 of the *United States Sentencing Commission Guidelines*
2 *Manual*.

3 IT IS SO STIPULATED:

4 /S/

5 Date: 3/18/08

Rebecca Sullivan Silbert
Counsel for Raymond Laird

7 /S/

8 Date: 3/5/08

Brian Stretch
Assistant United States Attorney

10
11
12 **ORDER**

13
14 Based on the above stipulation, the Court hereby ORDERS the following:

- 15 1. The Court is making its own motion for a modification of the defendant's sentence
16 pursuant to 18 U.S.C. § 3582(c)(2);
- 17 2. The original Judgment in the above-captioned case is AMENDED to impose a term of
18 imprisonment of **60 months**. All other aspects of the original judgment, including the
19 length of term of supervised release, all conditions of supervision, fines, restitution, and
20 special assessment remain as previously imposed.
- 21 3. Defendant's original guideline calculation was as follows:
- 22 Total Offense Level: 25
- 23 Criminal History Category: III
- 24 Guideline Range: 70-87
- 25 Mandatory Minimum: 60 months
- 26 4. Defendant is eligible for a modification of his sentence pursuant to 18 U.S.C. §

1 3582(c), USSG § 1B1.10(c), and Amendment 706 of the United States Sentencing Commission
2 Guidelines Manual;

3 5. Defendant's revised guideline calculation is as follows:

4 Total Offense Level: 23

5 Criminal History Category: III

6 Guideline Range: 57-71

7 6. Defendant has waived his right to a hearing in this matter pursuant to Fed. R. Crim. P. 43,
8 18 U.S.C § 3582(c)(2); *United States v. Booker*, 543 U.S. 220 (2005) and *Kimbrough v.*
9 *United States*, 128 S.Ct. 558 (2007); *United States v. Hicks*, 472 F.3d 1167 (9th Cir.
10 2007).

11 7. Defendant has waived his right to appeal the sentenced imposed by this Order.

12
13
14 Date: March 19, 2008



Honorable Vaughn R. Walker
Chief Judge, United States District Court